

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

No. 05-cr-112-01/02-JD

Carlos Soto-Garcia
Luis Ortiz-Lara

PROCEDURAL ORDER

Based on the oral motions of counsel for the defendants at a hearing on the pending motions, the court granted a continuance of the trial in the interests of justice. The case is rescheduled for trial on November 13, 2006.

Defendant Carlos Soto-Garcia's motions to exclude evidence (document nos. 47, 48, 49, 53) were denied, and counsel was given the opportunity to request a continuance in order to review the information recently made available to him. The government was directed to adhere to the requirements of Local Rules 16.1(c), (e), (f), and 16.2.

The court recognizes that Defendant Soto-Garcia filed a notice of public-authority defense under Fed. R. Crim. P. 12.3(a) on February 27, 2006 (document no. 24). If Defendant Luis Ortiz-Lara intends to assert a public-authority defense, he shall file an independent notice pursuant to Fed. R. Crim. P. 12.3(a) by October 18, 2006.

The government shall comply with the provisions of Fed. R. Crim. P. 12.3(a)(3) by responding to the defendants' respective notices by October 19, 2006.

The defendants and the government shall thereafter comply with the disclosure provisions of Fed. R. Crim. P. 12.3(a)(4).

The government shall respond to Defendant Ortiz-Lara's motion to dismiss (document no. 60) by October 23, 2006.

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

October 17, 2006

cc: Robert B. Carmel-Montes, Esquire
Donald A. Feith, Esquire
Timothy M. Harrington, Esquire
Michael J. Sheehan, Esquire